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Norman H. Bangerter, Governor Dee C. Hansen, Executive Director Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

December 24, 1985

CERTIFIED RETURN RECEIPT REQUESTED P 402 457 791

Mr. Charles Gent Genwal Coal Company PO Box 1201 Huntington, Utah 84527

Dear Mr. Gent:

RE: Proposed Assessment for State Violation No.'s N85-4-23-1, N85-4-16-1, C85-4-3-1, C85-4-7-1, C85-4-5-2, ACT/015/032, Emery County, Utah

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under UMC/SMC 845.11-845.17.

Enclosed is the proposed civil penalty assessment for the above referenced violations. These violations were issued by Division Inspector Dave Lof, N85-4-23-1, September 5, 1985; N85-4-16-1, May 10, 1985; C85-4-3-1, May 2, 1985; C85-4-7-1, June 28, 1985; and C85-4-5-2, June 14, 1985. Rule UMC/SMC 845.2 et seq. has been utilized to formulate the proposed penalty. By these rules, any written information submitted by you or your agent within 15 days of receipt of this notice of violation has been considered in determining the facts surrounding the violation and the amount of penalty.

Within fifteen (15) days after receipt of this proposed assessment, you or your agent may file a written request for an assessment conference to review the proposed penalty. (Address a request for a conference to Ms. Jan Brown at the above address.) If no timely request is made, all pertinent data will be reviewed and the penalty will be reassessed, if necessary, for a finalized assessment. Facts will then be considered which were not available on the date of the proposed assessment due to the length of the abatement period. This assessment does not constitute a request for payment.

Sincerely,

Mike Earl

Assessment Officer

Mike Emil

jmc Enclosure cc: D. Griffin 7314Q

# SUMMARY OF PROPOSED ASSESSMENT OF PENALTIES UTAH DIVISION OF OIL, GAS AND MINING 355 West North Temple 3 Triad Center Suite 350 Salt Lake City, Utah 84180-1203 801-538-5340

COMPANY/MINE	Genwal/Crandall	Canyon	PERMIT # _	ACT/015/032	
·					- —.
VIOLATION		POINTS		AMOUNT	
N85-4-16-1		57		\$1,260	
N85-4-23-1	·	67		1,940	
C85-4-3-1		4 days		3,000	
C85-4-5-2 #1		l day		750	
C85-4-5-2 #2		_ l day		750	
C85-4-7-1	e de la companya de l	l day	•	750	
			•		
			•		
	- <b>-</b>		•		
			•		
	<del></del>		•		
TOTAL ASSES	SED FINE	<del></del>		\$8,450	

### WORKSHEET FOR ASSESSMENT OF PENALTIES UTAH DIVISION OF OIL, GAS AND MINING

CC	DMPANY/MINE_	Genwal/Crand	all Cany	on	NOV #	N85-4-	-16-1	
PE	ERMIT # ACT/	015/032		VIC	LATION	1 (	OF 1	
I.	HISTORY	MAX 25 PTS						_
A.	which fa	e previous vi ll within l y TE <u>12/20/85</u>	ear of t	s which ar coday's da FECTIVE ON	te?			d,
N83-2 N84-2 N84-2 N84-2 N84-2 N85-4 N85-4	DUS VIOLATION 2-14-1 2-9-2 2-14-1 2-17-1 2-16-1 4-14-1 PA 4-6-1 PA 4-7-2 PA 4-5-2 PA	NS EFF.DATE 4/19/85 3/18/85 3/18/85 3/18/85 3/18/85 5/16/85 9/13/85 9/13/85 7/15/85	PTS 1 2 1 1 1 0 0 0 0 0 0 0	PREVIOUS C84-2-1- N84-2-19 N84-2-21 C84-2-2- N84-2-20 N85-4-9- N85-4-7- N85-4-12 C85-4-3-	1 2-1 -1 -1 0-6 PA -1 PA -2 PA		3/18/85 3/18/85 3/18/85 3/18/85 5/16/85 5/13/85 9/13/85 12/20/85	PTS 5 1 1 5 0 0 0 0 0 0 0 0
		12/20/85  l point fo 5 points f No pending (either A or	or each notices	past viol s shall be	ation, up	to one	up to on	0 e year 8
appine Office Begins up or docume	es. Based of er will deterning at the down, utilizents.	ment of point n the facts s mine within mid-point of zing the insp	upplied which ca the cate ector's	by the in ategory the gory, the and opera	spector, se violati e AO will stor's sta	the As ion fall adjust	sessment Us. the poi	nts
A			X 45 PTS					
1.	• What is prevent?	the event wh	ich the ollutior	violated 1	standard	was de	esigned t	0
2.		the probabili standard was	ty of th designe	ne occurre ed to prev	ence of the	ne ever	nt which	a
	Non Ins Unl Lik	ignificant ikely		RANGE 0 1-4 5-9 10-14	MID-POI 2 7 12	ENT		
	UCC	ar red		15-20	17			

#### ASSIGN PROBABILITY OF OCCURRENCE POINTS 10

PROVIDE AN EXPLANATION OF POINTS Assessed as likely based on inspector statement that pollution could occur because of the inadequate capacity of the settlement pond. The likelihood of the event occurring would depend on the particle size and detention time of the runoff. The possibility of the event occurring increases with the size of the precipitation event.

3. Would or did the damage or impact remain within the exploration or permit area? No RANGE MID-POINT Within Exp/Permit Area 0-7\* 4 8-25\* Outside Exp/Permit Area 16 \*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment. ASSIGN DAMAGE POINTS

PROVIDE AN EXPLANATION OF POINTS Per inspector statement, there could be a significant increase in the sediment load from the approximately 18 acres involved. The runoff could enter Crandall Creek.

TOTAL SERIOUSNESS POINTS (A or B) 18

#### III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;

OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;

OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

No Negligence	0	MID-POINT
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Greater degree of fault

ASSIGN NEGLIGENCE POINTS 21

PROVIDE AN EXPLANATION OF POINTS Inspector indicates operator has not constructed or maintained the undisturbed diversion according to their approved plans.

IV. GOOD FAITH MAX -20 PTS. (either A or B)	IV.	GOOD FAITH	MAX	-20 PTS.	(either	A or B)	į
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A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABACEMENT  Easy Abatement Situation				· · · · · · · · · · · · · · · · · · ·					
B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION  Difficult Abatement Situation Rapid Compliance -11 to -20* (Permittee used diligence to abate the violation) Normal Compliance -1 to -10* (Operator complied within the abatement period required) Extended Compliance 0 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)  EASY OR DIFFICULT ABATEMENT? Difficult ASSIGN GOOD FAITH POINTS 0  PROVIDE AN EXPLANATION OF POINTS At the time of assessment the NOV had not been terminated. Plans required.  V. ASSESSMENT SUMMARY FOR N85-4-16-1  I. TOTAL HISTORY POINTS 18 II. TOTAL SERIOUSNESS POINTS 18 III. TOTAL NEGLIGENCE POINTS 57  TOTAL ASSESSED FINE \$1,260  Mike Earl  ASSESSMENT DATE ASSESSMENT OFFICER Mike Earl	Α.	compliance of -EASY ABATEME Easy Abatemer Immediat (Immediat Rapid Co (Permitt Normal C	the violated sta NT of Situation e Compliance stely following th mpliance see used diligence compliance	-ll to -20*  e issuance of the -l to -10*  to abate the vic	permit area? IF SO Properties NOV)				
compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION  Difficult Abatement Situation Rapid Compliance -11 to -20* (Permittee used diligence to abate the violation) Normal Compliance -1 to -10* (Operator complied within the abatement period required) Extended Compliance 0 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)  EASY OR DIFFICULT ABATEMENT? Difficult ASSIGN GOOD FAITH POINTS 0  PROVIDE AN EXPLANATION OF POINTS At the time of assessment the NOV had not been terminated. Plans required.  V. ASSESSMENT SUMMARY FOR N85-4-16-1  I. TOTAL HISTORY POINTS 18 II. TOTAL HISTORY POINTS 18 III. TOTAL NEGLIGENCE POINTS 21 IV. TOTAL GOOD FAITH POINTS 57  TOTAL ASSESSED FINE \$1,260  Mike Enal.  ASSESSMENT DATE ASSESSED FICE Mike Earl		*Assign in up occurring in	per or lower half 1st or 2nd half o	of range dependi f abatement perio	ing on abatement od.				
Rapid Compliance -11 to -20* (Permittee used diligence to abate the violation) Normal Compliance -1 to -10* (Operator complied within the abatement period required) Extended Compliance 0 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)  EASY OR DIFFICULT ABATEMENT? Difficult ASSIGN GOOD FAITH POINTS 0  PROVIDE AN EXPLANATION OF POINTS At the time of assessment the NOV had not been terminated. Plans required.  V. ASSESSMENT SUMMARY FOR N85-4-16-1  I. TOTAL HISTORY POINTS 18 III. TOTAL SERIOUSNESS POINTS 18 III. TOTAL SERIOUSNESS POINTS 21 IV. TOTAL GOOD FAITH POINTS 0  TOTAL ASSESSED POINTS 57  TOTAL ASSESSED FINE \$1,260  Mike Earl  ASSESSMENT DATE ASSESSMENT OFFICER Mike Earl	В.	prior to phys	does the situati	on require the su	bmission of plans				
PROVIDE AN EXPLANATION OF POINTS At the time of assessment the NOV had not been terminated. Plans required.  V. ASSESSMENT SUMMARY FOR N85-4-16-1  I. TOTAL HISTORY POINTS 18 II. TOTAL SERIOUSNESS POINTS 18 III. TOTAL NEGLIGENCE POINTS 21 IV. TOTAL GOOD FAITH POINTS 57  TOTAL ASSESSED POINTS 57  TOTAL ASSESSED FINE \$1,260  Mike Earl		Rapid Compliance -11 to -20*  (Permittee used diligence to abate the violation)  Normal Compliance -1 to -10*  (Operator complied within the abatement period required)  Extended Compliance 0  (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan							
V. ASSESSMENT SUMMARY FOR N85-4-16-1  I. TOTAL HISTORY POINTS II. TOTAL SERIOUSNESS POINTS III. TOTAL NEGLIGENCE POINTS IV. TOTAL GOOD FAITH POINTS  TOTAL ASSESSED POINTS  TOTAL ASSESSED FINE  ASSESSMENT DATE  ASSESSMENT OFFICER Mike Earl	EASY OR (	DIFFICULT ABAT	EMENT? <u>Difficul</u>	t ASSIGN GOOD	FAITH POINTS 0				
I. TOTAL HISTORY POINTS II. TOTAL SERIOUSNESS POINTS III. TOTAL NEGLIGENCE POINTS IV. TOTAL GOOD FAITH POINTS  TOTAL ASSESSED POINTS  TOTAL ASSESSED FINE  ASSESSMENT DATE  ASSESSMENT OFFICER Mike Earl	PROVIDE A	AN EXPLANATION minated. Plan	OF POINTS At the s required.	e time of assessm	nent the NOV had not				
II. TOTAL SERIOUSNESS POINTS III. TOTAL NEGLIGENCE POINTS IV. TOTAL GOOD FAITH POINTS  TOTAL ASSESSED POINTS  TOTAL ASSESSED FINE  \$1,260  Mike Earl	٧.	ASSESSMENT SU	MMARY FOR	N85-4-16-1					
TOTAL ASSESSED FINE \$1,260  Mike End  ASSESSMENT DATE ASSESSMENT OFFICER Mike Earl	II. III.	TOTAL SERIOUS TOTAL NEGLIGE	NESS POINTS NCE POINTS	18 21					
ASSESSMENT DATE ASSESSMENT OFFICER Mike Earl		TOTAL AS	SESSED POINTS	57					
V		TOTAL AS	SESSED FINE		Eur C				
V	ASSESSMEN	NT DATE	ASSESSM	ENT OFFICER Mike	Earl				
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### WORKSHEET FOR ASSESSMENT OF PENALTIES UTAH DIVISION OF OIL, GAS AND MINING

	COME	'ANY/MI	NE_C	Genwal/Cra	ndall Car	iyon	NOV # 1	N85-4-23	3 <b>-</b> 1	
	PER	1IT #	ACT.	015/032		VI	OLATION	1 OF	- 1	
I.		HISTO	RY	MAX 25 PT	S	_			<del></del>	
	Α.	Murch	fal.	previous within l	year of	ns which a todav's d	re not per ate?	nding o	r vacat	ed,
	ASSE	SSMENT	DATE	12/20/	85 EF	FECTIVE O	NE YEAR DA	ATE	2/21/84	
N8:	<b>3-2-</b> ]		TIONS	6 EFF.DATE 4/19/85	E PTS 1	PREVIOUS C84-2-1	VIOLATION		DATE /18/85	PTS 5
	4-2-9		_	3/13/85	2	N84-2-1			718/85	- <u> </u>
	4-2-1	_		3/18/85	1	N84-2-2	21-1		/18/85	1
	4-2-1			3/18/85	1	C84-2-2			/18/85	5
	4-2-1		_	3/18/85			0-6 PA		/16/85	0
		.4-1 PA 5-1 PA	_	5/16/85	0	N85-4-9			/13/85	0
		-2 PA	-	9/13/85 9/13/85	0	N85-4-7			/13/85	0
		-2 PA	-	7/15/85	0	N85-4-1			/13/85	0
		-2 PA	_	12/20/85	-0	C85-4-3			2/20/85 2/20/85	
		6-1 PA	-	12/20/85	- <del>- 0</del>		<u>-T LH</u>		1/20/65	
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		.5.								
	15 (	nte au	Ever	it (A) or h	iindrance	e(B) viol	ation?	Event		
	A	Event '	/iola	tions N	1AX 45 PT	<u>s</u>				-
	1.	What preve	is t	he event w Water F	which the Pollution	violated	standard	was des	signed t	to
	2.	What viola	is th	ne probabi tandard wa	lity of t as design	he occurr ed to pre	ence of th	ne event	which	a
			PROBA None	BILITY		RANGE O	MID-PO	INT		
				nificant		1-4	2			
			Jnlik			5 <b>-</b> 9	7			
			_ike]	•		10-14	12			
			ocur			15-20	17			

	_			
ASSIGN PROBABILITY	0F	OCCURRENCE	POINTS	17

PROVIDE AN EXPLANATION OF POINTS Assessed as occurred based on inspector statement that the sediment pond was discharging at approximately 80 gpm. Lab analysis indicated a TSS of 282 mg/l. The effluent limitation is 70 mg/l. The highest TSS level for Crandall Creek for the period 6/85 - 10/85 as reported by the operator was 12 mg/l.

3. Would or did the damage or impact remain within the exploration or permit area? No

RANGE MID-POINT
Within Exp/Permit Area 0-7\* 4
Outside Exp/Permit Area 8-25\* 16
\*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 18

PROVIDE AN EXPLANATION OF POINTS Per inspector statement, it was not known how long the discharge had been occurring but the stream was turbid all the way down to its confluence with Huntington Creek. The turbidity of the stream went from crystal clear above the discharge to a chocolate color below the discharge point. Any oil and grease which would have been in the pond had been discharged.

TOTAL SERIOUSNESS POINTS (A or B) \_\_\_\_35

#### III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE; OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE; OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

No Negligence	0	MID-POINT
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Greater degree of fault

ASSIGN NEGLIGENCE POINTS 19

PROVIDE AN EXPLANATION OF POINTS Per inspector statement, the operator should have been fully aware of the problem with the mine water pipe and failed to correct the problem.

				Page 3 of 3
IV.	G00	D FAITH MA	X -20 PTS.	(either A or B)
	Α.	compliance	of the viola MENT ent Situatio ate Complian iately follo Compliance ttee used di Compliance tor complied	over the -20*  Dwing the issuance of the NOV)  -1 to -10*  Lligence to abate the violation)  Of within the abatement period required)
		occurring i	upper or low n 1st or 2nd	er half of range depending on abatement half of abatement period.
	8.	prior to ph	OR does the :	nave the resources at hand to achieve situation require the submission of plans vity to achieve compliance? IF SO - UATION
		Rapid ( (Permi Normal (Opera Extenda (Permi the lin	compliance tor complied ed Compliance ttee took mi nits of the N	-11 to -20* ligence to abate the violation) -1 to -10*   within the abatement period required)
EASY	Y OR (	DIFFICULT ABA	ATEMENT?	Easy ASSIGN GOOD FAITH POINTS5
PRO\ was	VIDE /	AN EXPLANATION inated the sa	ON OF POINTS ame day. Op	Operator was to abate immediately. NOV erator made repairs with materials on hand.
V		ACCECCMENT (		

PROVIDE /	AN EXPLANATION OF POINTS <u>Operator</u> inated the same day. Operator mad	was to abate i e repairs with	mmediately. materials on	NOV hand.
٧.	ASSESSMENT SUMMARY FOR	N85-4-23-1	<u>-</u>	
II.	TOTAL HISTORY POINTS TOTAL SERIOUSNESS POINTS TOTAL NEGLIGENCE POINTS TOTAL GOOD FAITH POINTS	18 35 19 -5		
	TOTAL ASSESSED POINTS	67		
	TOTAL ASSESSED FINE	\$1940		
		Mile	Eul	<del></del>
ASSESSMEN	NT DATE 12/20/85 ASSESSMENT	OFFICER Mike	Earl	<del></del>
-	X PROPOSED ASSESSMENT	F	INAL ASSESSME	ENT

### WORKSHEET FOR ASSESSMENT OF CESSATION ORDERS UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE <u>Genwal/Crandall Canyon</u>	CO # <u>C85-4-3-1</u>
PERMIT # _ACT/015/032	VIOLATION 1 OF 1
INSPECTOR _Dave Lof	DATE ISSUED May 2, 1985
NATURE OF THE CESSATION ORDER: Failure to	abate NOV# N85-4-12-3
No.'s 1 and 3 of 3.	
DATE OF ABATEMENT OF CESSATION ORDER: May	7, 1985
DATE OF RECEIPT OF CESSATION ORDER: May 3,	1985
LIST THE DAYS OF FAILURE TO ABATE: May 3,	1985 to May 7, 1985
TOTAL NUMBER OF DAYS OF FAILURE TO ABATE:	
NUMBER OF DAYS X \$750/DAY = TOTAL ASSESSED	FINE: \$3,000
ASSESSMENT DATE 12/20/85 ASSESSMENT	OFFICER Mike Earl
	Mike Euro
X PROPOSED ASSESSMENT	FINAL ASSESSMENT

### WORKSHEET FOR ASSESSMENT OF CESSATION ORDERS UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINEGenwal/Crandall Canyon	CO # C85-4-7	<u>'-1</u>		<u>-</u> .
PERMIT #ACT/015/032	VIOLATION	1	OF_	1
INSPECTORDave Lof	DATE ISSUED	June	28,	1985
NATURE OF THE CESSATION ORDER: Failure to a	abate NOV# N8	35-4-6	5-1	
DATE OF ABATEMENT OF CESSATION ORDER: July	3, 1985			
DATE OF RECEIPT OF CESSATION ORDER: July 3	, 1985			·
LIST THE DAYS OF FAILURE TO ABATE: July 3,	1985			·
TOTAL NUMBER OF DAYS OF FAILURE TO ABATE:	<u>l</u>			
NUMBER OF DAYS X \$750/DAY = TOTAL ASSESSED F	FINE: \$750			
ASSESSMENT DATE 12/20/85 ASSESSMENT (	FFICER Mike	Earl		
	Mihe			
X PROPOSED ASSESSMENT		_ FI	NAL	ASSESSMENT

### WORKSHEET FOR ASSESSMENT OF CESSATION ORDERS UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon	CO # C85-4-5-2
PERMIT # ACT/015/032	VIOLATION 1 OF 2
INSPECTOR Dave Lof	DATE ISSUED June 14, 1985
NATURE OF THE CESSATION ORDER: Failure	to abate NOV# N85-4-7-2 #2
DATE OF ABATEMENT OF CESSATION ORDER: J	lune 16, 1985
DATE OF RECEIPT OF CESSATION ORDER: Jun	e 15, 1985
LIST THE DAYS OF FAILURE TO ABATE: June	15, 1985 to June 16, 1985
TOTAL NUMBER OF DAYS OF FAILURE TO ABATE	: 1
NUMBER OF DAYS X \$750/DAY = TOTAL ASSESS	ED FINE: \$750
ASSESSMENT DATE 12/20/85 ASSESSME	NT OFFICER Mike Earl
	Mike Exel
X PROPOSED ASSESSM	ENT FINAL ASSESSMEN

## WORKSHEET FOR ASSESSMENT OF CESSATION ORDERS UTAH DIVISION OF DIL, GAS AND MINING

COMPANY/MINE <u>Genwal/Crandall Canyon</u>	CO #C35-4-5-2
PERMIT # ACT/015/032	VIOLATION 2 OF 2
INSPECTOR Dave Lof	DATE ISSUED June 14, 1985
NATURE OF THE CESSATION ORDER: Failure to	
DATE OF ABATEMENT OF CESSATION ORDER: Jun	
DATE OF RECEIPT OF CESSATION ORDER: June	15, 1985
LIST THE DAYS OF FAILURE TO ABATE: June 1	15, 1985 to June 16, 1985
TOTAL NUMBER OF DAYS OF FAILURE TO ABATE:	
NUMBER OF DAYS X \$750/DAY = TOTAL ASSESSED	D FINE: \$750
ASSESSMENT DATE 12/20/85 ASSESSMENT	T OFFICER Mike Earl
	mike End
X PROPOSED ASSESSMEN	NT FINAL ASSESSMENT